

REMARKS

This Amendment is being filed in response to the Office Action dated September 27, 2007. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-3, 5, 7-11, 14-16, 18, and 20-22 remain in this application where claims 4, 6, 12-13, 17 and 19 have been canceled without prejudice. Applicant reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

It should be noted that in the Preliminary Amendment filed on March 27, 2006, it appears that original claim 13 was not included, thus reducing the number of claims from 22 to 21, and resulting in misnumbering of claims 13-21 in the Preliminary Amendment which actually correspond to claims 14-22 as originally filed. The present listing of the claims reverts to the claim numbering as originally filed.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has

been amended to correct a certain informality.

By means of the present amendment, claims 1-3, 5, 7-9, 14-16, 18, and 20-22 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A'. Claims 1-3, 5, 7-9, 14-16, 18, and 20-22 were not amended in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner objected to the drawings for not showing an integrator, correlator and direction of signal flow. In response, FIG 1 has been amended to label boxes 13 as correlators and to include the direction of signal flow. Further, claims 4 and 17 which recited the integrator have been canceled. A replacement sheet including FIG 1 is enclosed. Applicant respectfully requests approval of the enclosed proposed drawing changes and withdrawal of the drawing objection.

In the Office Action, claim 3 and claim 15 (currently claim 16) are rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the enablement requirement. It is respectfully submitted that the specification provides ample support and sufficient description, as well as fully enable claims

3 and 16, in such a way as to reasonably convey to one skilled in the relevant art how to make and/or use the present invention without any undue experimentation. For example, page 4, line 30 specifically recites that τ is the delay of a received signal, and equations (18) and (19) on page 11 of the specification include expressions in the form recited in claims 3 and 16.

It is respectfully submitted that it would be a trivial matter for a person skilled in the art to make and/or use the claimed invention defined by the claims 3 and 16. Clearly one skilled in the art would have no trouble understanding and implementing the expressions in the form recited in claims 3 and 16.

It is respectfully submitted that the specification as well as claims 3 and 16 comply with the written description and enablement requirement, and reasonably convey that the inventor, at the time of the application was filed had possession of the claimed invention, as well as reasonably convey to one skilled in the relevant art how to make and/or use the present invention without any undue experimentation. Accordingly, withdrawal of this rejection under 35 U.S.C. §112, first paragraph is respectfully requested, and allowance of claims 3 and 16 is respectfully

requested.

In the Office Action, claims 12 and 14-21 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. The cancellation of claim 12 renders moot this rejection with regard to claim 12. Further, as noted above, claims 14-21 had been misnumbered in the Preliminary Amendment, and currently have been included as claims 15-22 as originally numbered. It is respectfully submitted that the rejection of claims 12 and 14-21 has been overcome and an indication as such is respectfully requested.

In the Office Action, claims 1-21 are rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. Without agreeing with the Examiner, and in the interest of furthering the prosecution and expediting allowance of the present Application, claims 1-11 and 14-22 have been amended for better form that more clearly recites statutory subject matter. It is respectfully requested that the rejection of claims 1-21 under 35 U.S.C. §101 has been overcome and withdrawal of this rejection is respectfully requested.

In the Office Action, claims 1-21 are rejected under 35 U.S.C.

§102(b) as allegedly anticipated by WO 03/019826 (Josi). Further, claims 1-7, 9-19 and 21 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2005/0036539 (Niederholtz) in view of an article entitled "Adaptive Antenna Arrays for Satellite personal Communication Systems" (Lian). Claims 8 and 20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Niederholtz in view of Lian and an article entitled "L1 Carrier Multipath Error Reduction Using MEDLL Technology" (Townsend). It is respectfully submitted that claims 1-3, 5, 7-11, 14-16, 18, and 20-22 are patentable Josi, Niederholtz, Lian and Townsend for at least the following reasons.

At the outset, It is respectfully submitted that Niederholtz is not prior art to the present application. The present application was PCT filed on September 24, 2004, which designates the U.S. and is published in English as WO 2005/031384, as well as claims the benefit of a British Patent Application filed on September 27, 2003, which is thus the effective filing date of the present application.

As the effective filing date of the present application of September 27, 2003 is before the Niederholtz U.S. filing date of

August 12, 2004, Niederholtz is not available as prior art with regard to the present application under 35 U.S.C. §102(e) or 103(a).

Josi is directed to a radio station with multipath signal modeling, where perpendicular distances between planes of reflecting surfaces and the radio station are measured from the round trip delay of a sounding signal. Parameter constraints are used to reduce computation.

It is respectfully submitted that Josi does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 14 which, amongst other patentable elements, recites (illustrative emphasis provided):

correlating the mixed down signal with a replica signal from a code generator to form a correlated signal;

processing the correlated signal with an optimization function comprising an exponential term in combination with a second term to form an output signal that provides a position measurement in indoor environments with multiple diffuse reflections; and

feeding back the output signal to control the carrier generator and the code generator for improving accuracy of the position measurement.

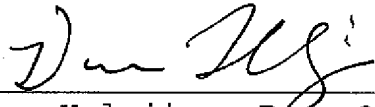
These features are nowhere taught or suggested in Josi. Lian and Townsend are cited to allegedly show other features and do not

remedy the deficiencies in Josi. Accordingly, it is respectfully submitted that independent claims 1 and 14 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-3, 5, 7-11, 15-16, 18, and 20-22 should also be allowed at least based on their dependence from amended independent claims 1 and 14.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
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Enclosure: Replacement drawing sheet (1 sheet including FIG 1)
New Abstract

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101